

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT
 BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☐ SUPERSEDING
OFFENSE CHARGED
 18 U.S.C. §§ 247(a)(1) & (d)(3) - Damage to Religious
 Property by Means of Fire;
 18 U.S.C. § 844(i) - Arson of a Building Used in Interstate and
 Foreign Commerce

☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony

PENALTY: See Attachment

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

DEFENDANT - U.S.

HUGO JOHN SCHERZBERG

DISTRICT COURT NUMBER

CR15-00149 HSG

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

Bureau of Alcohol, Tobacco, Firearms & Ammunition

☐ person is awaiting trial in another Federal or State Court,
 give name of court

☐ this person/proceeding is transferred from another district
 per (circle one) FRCrp 20, 21, or 40. Show District

☐ this is a reprosecution of
 charges previously dismissed
 which were dismissed on motion
 of:

☐ U.S. ATTORNEY ☐ DEFENSE
SHOW
DOCKET NO.
☐ this prosecution relates to a
 pending case involving this same
 defendant
MAGISTRATE
CASE NO.
☐ prior proceedings or appearance(s)
 before U.S. Magistrate regarding this
 defendant were recorded under

Name and Office of Person

Furnishing Information on this form MELINDA HAAG

☒ U.S. Attorney ☐ Other U.S. Agency

 Name of Assistant U.S.
 Attorney (if assigned)

ANDREW HUANG, AUSA

IS NOT IN CUSTODY

Has not been arrested, pending outcome this proceeding.

- 1)
- ☐
- If not detained give date any prior
-
- summons was served on above charges
-
- 2)
- ☐
- Is a Fugitive
-
- 3)
- ☐
- Is on Bail or Release from (show District)

FILED

MAR - 5 2015

IS IN CUSTODY

- 4)
- ☐
- On this charge
-
- 5)
- ☒
- On another conviction }
- ☐
- Federal
- ☒
- State
-
- 6)
- ☐
- Awaiting trial on other charges

 RICHARD W. WIEKING
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND

 If answer to (6) is "Yes", show name of institution
 San Francisco County

 Has detainer ☐ Yes
 been filed? ☐ No

 If "Yes"
 give date
 filed
DATE OF
ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED
TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted
ADDITIONAL INFORMATION OR COMMENTS**PROCESS:**
☐ SUMMONS ☐ NO PROCESS* ☒ WARRANT

Bail Amount: NO BAIL

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

Date/Time:

Before Judge:

Comments:

 * Where defendant previously apprehended on complaint, no new summons or
 warrant needed, since Magistrate has scheduled arraignment

PENALTY SHEET ATTACHMENT FOR HUGO SCHERZBERG

COUNT ONE: 18 U.S.C. §§ 247(a)(1) and (d)(3) – Damage to Religious Property

- (1) Imprisonment: Maximum 20 years
- (2) Fine: Maximum \$250,000
- (3) Supervised Release: Maximum 3 years
- (4) Special Assessment: \$100.00

COUNT TWO: 18 U.S.C. § 844(i) – Arson of a Building Used in Interstate and Foreign Commerce

- (1) Imprisonment: Maximum 20 years; mandatory 5 years minimum
- (2) Fine: Maximum \$250,000
- (3) Supervised Release: Maximum 3 years
- (4) Special Assessment: \$100.00

United States District Court

FOR THE
NORTHERN DISTRICT OF CALIFORNIA

VENUE: Oakland

FILED

UNITED STATES OF AMERICA,

v.

HUGO JOHN SCHERZBERG,

MAR - 5 2015

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

CR15-00149 HSG

DEFENDANT.


INDICTMENT

18 U.S.C. §§ 247(a)(1) & (d)(3) – Damage to Religious Property by
Means of Fire; 18 U.S.C. § 844(i) – Arson of a Building Used in
Interstate and Foreign Commerce

A true bill.

 Foreman

Filed in open court this 5th day of
March, 2015

 Clerk

Bail, \$ no bail warrant
Kandis Westlund 3/5/15

MELINDA HAAG (CABN 132612)
United States Attorney

FILED

MAR - 5 2015

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

HUGO JOHN SCHERZBERG,

Defendant.

No. CR

CR15-00149 HSG

VIOLATIONS: 18 U.S.C. §§ 247(a)(1) & (d)(3) –
Damage to Religious Property by Means of Fire;
18 U.S.C. § 844(i) – Arson of a Building Used in
Interstate and Foreign Commerce

OAKLAND VENUE

INDICTMENT

The Grand Jury charges:

General Allegations

At all times relevant to this Indictment unless otherwise specified:

1. The Church of the Living God, Christian Workers for Fellowship (commonly known as “Church of the Living God (C.W.F.F.)”), Temple #21 was a non-sectarian, non-denominational church of the Christian faith. The Church of the Living God (C.W.F.F.), Temple #21 building was located on Harbor Street in Pittsburg, California, and was a religious place of worship.

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INDICTMENT

2. The Church of the Living God (C.W.F.F.), Temple #21 building was also used as rental property. Since at least 2009, in return for monthly rental payments to Church of the Living God (C.W.F.F.), Temple #21, the Shiloh Missionary Baptist Church ("Shiloh Missionary") concurrently used the Church of the Living God (C.W.F.F.), Temple #21 building.

3. The Church of the Living God (C.W.F.F.), Temple #21 building was insured by Church Mutual Insurance Company ("CMIC"), which was headquartered in Merrill, Wisconsin. Damage to the building and property located within the building resulted in claims being paid by CMIC to Church of the Living God (C.W.F.F.), Temple #21 and Shiloh Missionary.

4. Church of the Living God (C.W.F.F.), Temple #21 is a member of the national Church of the Living God (C.W.F.F.) organization, which is headquartered in Cincinnati, Ohio. Church of the Living God (C.W.F.F.), Temple #21 pays dues to the national organization and is subject to the authority of the national organization's general assembly. An executive board is in charge of operations for the national organization.

COUNT ONE: (18 U.S.C. §§ 247(a)(1) & (d)(3) – Damage to Religious Property by Means of Fire)

5. Paragraphs One through Four are realleged and incorporated here by reference.

6. On or about March 20, 2010, in the Northern District of California, the defendant,

HUGO JOHN SCHERZBERG,

using fire, intentionally defaced, damaged, and destroyed religious real property, and attempted to do so, specifically, the Church of the Living God (C.W.F.F.), Temple #21 building in Pittsburg, California, and did so because of the religious character of that property, in and affecting interstate and foreign commerce, in violation of Title 18, United States Code, Sections 247(a)(1) and (d)(3).

COUNT TWO: (18 U.S.C. § 844(i) – Arson of a Building Used in Interstate and Foreign Commerce)

7. Paragraphs One through Four are realleged and incorporated here by reference.

8. On or about March 20, 2010, in the Northern District of California, the defendant,

HUGO JOHN SCHERZBERG,

by means of fire, maliciously damaged and destroyed, and attempted to damage and destroy, a building


1 used in interstate and foreign commerce and in activities affecting interstate and foreign commerce,
2 namely, the Church of the Living God (C.W.F.F.), Temple #21 building in Pittsburg, California, in
3 violation of Title 18, United States Code, Section 844(i).


4
5 DATED: *March 5, 2015*

A TRUE BILL.

6
7 
8 FOREPERSON

9
10 MELINDA HAAG,
11 United States Attorney

12 
13 KESLIE A. STEWART
14 Chief, Oakland Branch

15 (Approved as to form: )

AUSA Huang